

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Sri Qayyum Khan, RSI (Retd) – Suspension period from 1-2-1997 to 31-7-1997 treated as “On duty” - Orders – Issued.

HOME (SERVICES-2) DEPARTMENT

G.O.Rt.No. 1242

Dated:30-6-2008

Read the following:

1. From the DIG, Hyderabad Range, Hyderabad Lr.No. 180/D-20/HR/97-06, Dated 19-9-2006 addressed to the DGP, AP, Hyderabad
2. From the DGP, AP, Hyderabad, Lr.Rc.No. 1276/U1/2005 Dt: 25-4-08

Order:

The Deputy Inspector General of Police, Hyderabad Range, Hyderabad in the reference 1st read above, has reported that Sri Qayyum Khan, RSI (Retired) while working in R.R., District was handed upon with the following charges:-

“ Collected share capital from members (all Police Men and Officers of R.R., Dist) @ Rs.100/- but printed receipts were not issued to the members and also the lump sum amount was shown in the Cash Book instead of writing of the names individual wise in the cash book. The admission fee of Rs.10/- from each member was not collected which is also irregular”.

2. In addition to the above (8) more lapses were pointed out against him basing on the Audit report, which were included in the article of charge. During the oral enquiry charges were proved by the Enquiry Officer (Addl. S.P., R.R., Dist).

3. As per the APCS (CC&A) Rules, the Disciplinary authority has imposed the punishment of dismissal from service treating the suspension period from 1-2-1997 to 31-7-1997 as NOT ON DUTY vide his Office R.O. No.514/99, dt: 16.7.99. On his appeal, the Addl. D.G.P., (Admn.), A.P., Hyderabad vide Proceedings L.Dis.No.1429/T1/99, dt:1.2.2000 modified the punishment of Dismissal to that of RTSP to the minimum scale of RSI for a period of (4) years with effect on his future increments and pension by reinstating him into service and also suspension period and out of employment period was treated as NOT DUTY.

4. On the revision petition, the Government vide G.O. Ms.No.183, Home (Pol.D) Department, dt: 26.7.2000 have re-modified the punishment of RTSP to that of Censure treating the suspension and out of employment period as NOT ON DUTY. Further, the Government have rejected two representations of the applicant Sri Qayyum Khan, RSI (Retd) vide Memo. No.38738/Ser.II/A2/2002-1, dt: 28.11.2002 and Memo. No.28080/Ser.II/A2/2004-2, dt: 14.10.2005 when he approached through his representations for setting aside the punishment of Censure and suspension period and unemployment period treated as NOT ON DUTY.

5. Aggrieved with the above memos, the applicant has filed O.A.No.8342/2005 to set aside the Govt. Memo. No.28080/Ser.II/A2/2004-2, dt: 14.10.05 and to direct the respondents to pay all the monetary benefits.

6. The Hon'ble A.P.A.T., in the judgment dt: 24.8.2006 passed the orders as follows:

“ In a similar case in O.A. No.2601/2004 with C.A. No.639/2004, dt: 20.4.2005, the Tribunal has taken a view that the period of suspension between the issue of the G.O. Ms.No.238 and G.O. Ms.No.214 has to be dealt within terms of Proceedings initiated for major penalty ended in minor penalty. Thus, the period of suspension from 1.2.1997 to 31.7.1997 has to be treated as on duty, as the punishment imposed on the applicant ultimately ended up in “Censure; in the Revision Petition filed by the applicant before the 1st Respondent. Thus, the applicant is entitled to the full pay and allowances during the suspension period from 1.2.1997 to 31.7.1997.

[Contd..2]

7. The matter was taken into the High Court and the High Court has disposed the case in WP. NO. 7756/07 vide its Judgment dated 22-3-2008 wherein the High Court upheld the Judgment of the Tribunal.

8. The DGP, AP, Hyderabad, in his letter 2nd read above has requested the Government to issue orders to implement A.P. High Court orders in the matter.

9. Government after careful examination of the matter, keeping in view of the directions of the Tribunal in O.A.No. 8342/2005, as upheld by the High Court in W.P.No. 7756/07, hereby treat the period of suspension of Sri Qayyum Khan RSI (Rtd) i.e from 1-2-1997 to 31-7-1997 as ON DUTY with full pay and allowances during the said suspension period.

10. The Director GP, AP, Hyderabad is requested to take necessary action accordingly.

11. This order issues with the concurrence of the Finance (FR-II) Department vide their U.O.No.16010/319/FR.II/08, 6-6-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.V.NAIDU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad
The Director of Treasuries and Accounts, AP, Hyderabad

//Forwarded :: By order//

SECTION OFFICER